

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 1997-239-C**

<b>IN RE:</b>	)	
	)	
<b>INTRASTATE UNIVERSAL SERVICE</b>	)	<b>MOTION OF THE OFFICE OF</b>
<b>FUND</b>	)	<b>REGULATORY STAFF</b>
	)	<b>FOR EXPEDITED</b>
	)	<b>REVIEW</b>
	)	
	)	

The Office of Regulatory Staff (“ORS”), pursuant to 26 S.C. Regs. 103-840, respectfully requests that the Commission expeditiously rule on the Petition for Declaratory Ruling (the “Petition”) filed by ORS on March 16, 2006. In support of this motion, ORS states as follows:

1. ORS is seeking clarification of existing orders, rules and regulations affecting the administration of the South Carolina Intrastate Universal Service Fund (the “Fund” or “USF”). On or about April 5, 2006, the South Carolina Cable Television Association (“SCCTA”) filed a petition to raise additional issues. However, SCCTA is requesting the Commission to reconsider and revise its existing decisions as to what services (i.e. wireless) should contribute to the Fund. SCCTA also seeks changes to the existing guidelines for an annual examination of costs and seeks an investigation into the question of the use of USF support for services sold as part of a package of bundled services. In essence, SCCTA is requesting a change in Commission policy on various

issues concerning the Fund whereas ORS is only seeking clarification of existing orders, rules and regulations.

2. The clarifications sought by ORS are necessary for proper administration of the Fund and need to be addressed such that ORS may make the necessary adjustments in preparation for the next resizing. For example, ORS will need to revise the forms and instruction materials for carriers contributing to the Fund consistent with the Commission's decision. Thus, ORS is seeking a ruling from the Commission on its Petition by the end of May.

3. Although the matters raised by SCCTA may merit review by the Commission, the clarifications sought by ORS have an immediate impact on the proper resizing of the Fund. Prior to filing the Petition, ORS contacted several different carriers and ORS is not aware of any carrier that disagrees with ORS' interpretation of the existing orders, rules and regulations concerning the Fund as described in the Petition. ORS seeks the clarifications so that it may (1) make adjustments to the Fund for those carriers that have made contributions in error and (2) prepare the instructions and forms so that carriers are properly reporting for the next fund year. The SCCTA petition, on the other hand, raises some highly controversial matters that would require a notice and hearing. Specifically, SCCTA's petition seeks to revisit the issue of whether to include wireless revenues in the Fund.<sup>1</sup> S.C. Code Ann. § 58-9-280(E)(3) (Supp. 2004), provides that the Commission shall require any company providing telecommunications service to contribute to the Fund if, after notice and a hearing, the Commission determines that the company is providing ratio-based local exchange services in the state that compete with a local telecommunications service.

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<sup>1</sup> Petition of SCCTA at page 2.

4. The ORS Petition should not be combined with SCCTA's Petition. Again, ORS anticipates that the clarifications sought by ORS are not highly controversial and in fact, some carriers have commented to ORS that a Declaratory Ruling by the Commission on the issues raised by ORS will be helpful to those reporting carriers. If no party files in opposition by the return date established in the revised thirty day notice issued by the Chief Clerk on April 11, 2006, ORS is hopeful that the Commission may expeditiously rule on the Petition. ORS is concerned that if its Petition is combined with the additional issues raised by SCCTA, the Commission will not be able to render a ruling on the ORS Petition by the end of May. Thus, ORS respectfully requests that the Commission not combine its Petition with the SCCTA petition.

5. Additionally, counsel for ORS contacted SCCTA's counsel concerning this motion, and SCCTA's counsel stated that SCCTA does not object to the Commission addressing the issues raised by ORS on an expedited basis, separate and apart from issues raised in the SCCTA petition to the extent that the issues raised by ORS are not in dispute.

6. ORS respectfully requests that the Commission expeditiously issue a ruling such that the ORS may complete its contemplated adjustments prior to the annual resizing of the Fund. Additionally, ORS requests that its Petition not be combined with the petition filed by SCCTA as the issues raised by SCCTA will require a hearing.

WHEREFORE, ORS respectfully requests that the Commission expeditiously review and rule on the matters raised in the ORS Petition.

April 19, 2006

/s/ Nanette S. Edwards

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**CERTIFICATE OF SERVICE**

I, Pamela McMullan, do hereby certify that I have this date, April 19, 2006, served one (1) copy of this Petition for Declaratory Order in the above-referenced matter on the parties of record listed below by causing said copy to be deposited U.S. Mail, first class postage prepaid.

/s/ Pamela McMullan

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